

REMARKS

Applicant sincerely thanks Examiner Matthews for scheduling and conducting the personal interview today, December 11, 2006. Amendments and remarks presented during the interview are reproduced herein.

Upon entry of this Amendment, claims 13-20 and 22-31 will be pending in this application, claims 1-12, 21, 32, and 33 having been cancelled without prejudice to their reintroduction herein or in a future continuation or divisional application.

Applicant has amended the specification to correct the description. As amended, the specification more correctly recites that the ocular lens of the described embodiment has a negative power in straight ahead gaze, and that the power is made more positive (as opposed to simply positive) or more negative on down gaze. Applicant notes that the Examiner was receptive to entry of the proposed amendment to the specification during the personal interview.

Applicant respectfully submits that this correction would have been readily apparent to a person of ordinary skill in the art. The specification explains at page 3, lines 11-15 that it was known that accommodation for near vision requires "more refractive power for converging light." Clearly, the intention of the specification was to describe the provision of refractive power for near vision. A person having ordinary skill in the art having reference to this disclosure would have equated the "more refractive power" to the down gaze movement by the user. For these reasons, approval and entry of the amendment are respectfully requested.

Additionally, even if the correction to the specification would not have been readily evident to a person of ordinary skill, which is not the case, the original disclosure

provides ample support for the amendment to the specification. Page 33, lines 3-13 state that the lens may be capable of “translating to any desired power for accommodation of eyesight, whether more (+) or more (-) power upon down gaze.” Clearly, this passage supports the description of an ocular lens that provides more positive power or more negative power upon down gaze. For these additional reasons, approval and entry of the amendment to the specification is respectfully requested.

Claims 13-16 and 24-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,514,040 to McClure.

Applicant notes that claim 22 was not subject to this rejection, but was identified as being allowable if rewritten in independent form to include all of the limitations of its base and any intervening claims.

Applicant has amended claim 13 to expressly recite features of claim 22 which are believed to be the basis for the Examiner’s indication of allowance. As amended, claim 13 recites that the optical axis of the lens passes through both the primary and secondary fluids in downgaze at a 90 degree angle. McClure does not illustrate or reasonably suggest this feature. In McClure, the user sees through only through its “secondary fluid” at a 90 degree angle downgaze. The “primary fluid” of McClure would be out of the optical field, presumably in vent tubes 24 and 26. These arguments were presented to the Examiner at the interview and, to Applicant’s believe, were viewed as persuasive for overcoming the rejection.

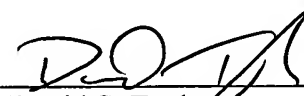
For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 102 rejection of claims 13-16 and 24-26.

Applicant also respectfully requests that all other pending claims be rejoined upon a finding that claim 13 is allowable and generic. With regard to claim 27-31, Applicant notes that the specification defines a fluid as including a liquid, gas, or vacuum.

Applicant has filed a petition for one-month extension with extension fee. Should the petition and/or any fees be missing or inadequate, please accept this paper as a petition for extension and charge the deficiency to Deposit Account No. 50-0548.

Respectfully submitted,

By: _____



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